

REMARKS

With the present Amendment, claims 1-17 and 19-27 are pending. Claims 1-4, 13, 18, and 20-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Mista (U.S. Patent No. 6,151,929) ("Mista '929 Patent"). Claims 5-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mista (U.S. Patent No. 6,151,929) in view of Mista (U.S. Patent No. 5,966,969) ("Mista '969 Patent"). Further, claims 12, 26, and 27 were rejected under 35 U.S.C § 103(a) as being unpatentable over Mista (U.S. Patent 6,151,929) in view of Mista (U.S. Patent No. 5,966,969).

Claims 14-17 were indicated by the Examiner as being allowed. Claims 8-11 and 19 were indicated as allowable, but were objected to as being dependent upon a rejected based claim.

Claims 8 and 19 have been amended into independent form and are now in condition for allowance. Claims 9-11 depend from claim 8 and therefore are also in condition for allowance. Further, claims 20 and 21 have been amended to depend from claim 19, and should now be in condition for allowance.

Applicant respectfully submits that claims 1-7, 12, 13, and 22-27 patentably define over the art of record for at least the reasons set forth herein.

Independent claim 1 claims a closing element assembly for providing closure to a hooking element within a knitting machine. The closing element assembly includes a plurality of closing elements with each closing element having a butt end and a working end. The butt end defines at least one indentation along its length. At least one plate for receipt in the indentions formed in the butt ends of the closing elements is provided. The at least one plate defines closing

element channels therein for receipt of a portion of the butt end of the plurality of closing elements. The at least one plate secures the plurality of closing elements in proper position for cooperating with a plurality of hooking elements of compound needles for knitting when the closing element assembly is placed within the knitting machine.

Further, independent claim 22 claims a plate used within a closing element assembly for securing proper positioning of closing elements in a knitting machine. The plate includes a plate forming a plurality of closing element channels with each of the closing element channels allowing a closing element to be receivable therein to secure the closing element in proper alignment, thereby creating a closing element assembly for use within the knitting machine.

Respectfully, the closing element assembly and the plate used within a closing element assembly claimed in independent claims 1 and 22 respectively, patentably define over the cited prior art. Specifically, the Mista '929 patent and the Mista '969 Patent, either alone or in combination, do not disclose, teach, or suggest such a closing element assembly or a plate for use in a closing element assembly.

The Mista '929 Patent discloses a bar, which is an integral portion of the knitting machine, that has transverse channels for receiving active components such as closing elements. The bar, which is a slider bar, actually runs the working width of the warped knitting machine and is an integral part of that machine to allow movement of the closing elements during knitting operations. In such a device, individual closing elements are placed within the warp knitting machine by being inserted in the transverse channels within the bar of the warp

knitting machine. Such a construction is fundamentally different and serves a different function from that of the closing element assembly and the plate used in a closing element assembly claimed in independent claims 1 and 22, respectively.

Concerning the structure, the bar of the Mista '929 Patent is not received in an indentation in the butt end of a closing element, but rather the butt end is received in the bar. Independent claims 1 and 22 of the present application claim at least one plate that are received in at least one indentation in each of the butt end of the closing elements. As shown in Figures 2 and 5 of the Mista '929 Patent, the bar has a longitudinal groove into which the holding section, or butt end, of each of the closing elements is pushed (See, column 4, lines 28-39 and 58-62). Therefore, the butt ends of the closing elements of the Mista '929 Patent apparently do not have an indentation and the bar surrounds the butt ends of the closing elements on three sides to hold the closing elements in the warp knitting machine. Thus, the bar resides on top of the butt ends, under neither the butt ends and against the back side of the butt ends, but is not received in an indentation of the butt ends.

Further, the slider bar of the Mista '929 Patent is not the same as the plate of claims 1 and 22. This slider bar of the Mista '929 Patent attaches the closing elements to the actual warp knitting machine itself, and positions each individual closing element within that machine. The closing element assembly of claim 1 and the plate used in the closing element assembly of claim 22 are used to group a plurality of closing elements together so that they may be placed within a knitting machine (normally within a slider bar) and to ensure that once the closing

element assemblies are placed in the machine that the closing elements proper align with the hooks. The closing element assembly of claim 1 and the plate used in the closing element assembly of claim 22 are constructed to be easily insertable and removable from the warp knitting machine. The assemblies are designed to be inserted into a conventional slider bar along a longitudinal groove in the bar. Such closing element assemblies are not permanently attached to the slider bar or to the warp knitting machine as is the case with the slider bar having transverse channels of the warp knitting machine disclosed in the Mista '929 patent.

Closing element assemblies which are made from castings are commonly used in warp knitting machines. It is commonly known to one skilled in the art that these closing element assembly castings are slid into position along a longitudinal groove within a bar in the warp knitting machine. However, the bar does not have the transverse channels and simply requires that the closing element assembly castings be slid into the longitudinal groove in the bar in existing machines. The closing element assemblies of independent claim 1 replace these closing element assembly castings and can be placed in slider bars of existing machines without any upgrade to that bar. Once closing element assemblies of independent claim 1 are placed within a slider bar of a warp knitting machine, they are in position to work effectively with the hooking elements in order to allow for proper warp knitting. For this reason, the closing element assemblies of claim 1 can easily be used in existing machinery without upgrading the slider bar and may be easily placed into the warp knitting and removed therefrom.

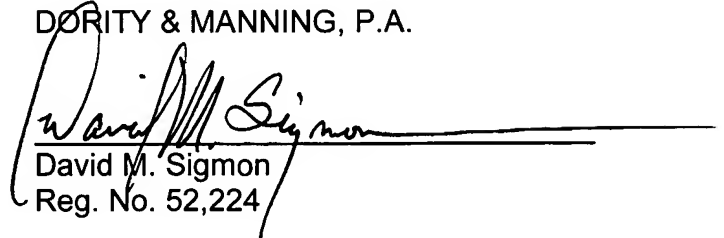
In contrast, neither the Mista '929 Patent nor the Mista '969 Patent disclose, teach, or suggest such closing element assemblies. Instead, they both disclose the use of transverse grooves within the slider bar to attach the closing elements within the warp knitting machine. This requires the bar to be an integral part of the warp knitting machine. For existing machines, such a construction requires a replacement of the slider bar in the machine. In fact, the only reference made to closing element assemblies within either the Mista '969 Patent or the Mista '929 Patent are the integrated units shown in figures 3 and 4 of the Mista '929 patent, to be used in conjunction with the slider bar having transverse grooves. These integrated units have a fundamentally different construction, as can be seen from the figures, than the closing element assembly claimed in independent claim 1 and the plates for use within a closing element assembly claimed within independent claim 22.

For at least the reasons set forth above, Applicant respectfully submits that independent claims 1 and 22 are patentably distinguishable over the applied references. Thus, Applicant respectfully submits that independent claims 1 and 22 are now allowable. Since, claims 2-7, 12, and 13 depend from claim 1 and claims 23-27 depend from claim 22, claims 2-7, 12, 13, and 23-27 are now allowable. As stated above, claims 14-17 have been allowed. Further, claims 8 and 19 have been amended into independent form and should now be allowed. Since claims 9-11 depend from claim 8 and claims 21 and 22 depend from claim 19, Applicant respectfully submits that claims 9-11, 20, and 21 also should be allowed. Therefore, Applicant submits that the application is now in condition for allowance and favorable action thereon is respectfully requested. The Examiner

is encouraged to call the undersigned at his convenience to resolve any remaining issues.

Respectfully submitted,

DORITY & MANNING, P.A.

A handwritten signature in dark ink, appearing to read "David M. Sigmon", is written over a horizontal line. The signature is fluid and cursive.

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